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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,778	11/13/2003	Hendrik Willem Meijer	U 014884-0	7412

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EXAMINER

A, PHI DIEU TRAN

ART UNIT	PAPER NUMBER
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3637

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/712,778	Applicant(s) MEIJER ET AL.	
	Examiner Phi D A	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 12, 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 line 3 “the ends of the parts” is lacking antecedent basis. The claim is thus indefinite.

Claim 17 line 4 “the ends of the parts” is lacking antecedent basis. The claim is thus indefinite.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 10-15, 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Wolfensberger (3380768).

Wolfensberger (figure 6) shows an assembly of a coupling profile, wall elements (74, 75), at least one cover profile (50) for covering the coupling profile, the wall elements are connected to each other by the coupling profile(51), the cover profile is coupled with the coupling profile, the wall elements abut each other (through the coupling profile), the cover profile fully covers the coupling profile, the cover profile is situated on the other side of the

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coupling profile than the side of the coupling profile where the wall elements meet, the cover profile extends over the pair of wall elements in a direction perpendicular to the longitudinal direction of the elements, the coupling profile is made of a rigid material, the coupling profile is made of metal (col 6 lines 34-36), the coupling profile at the cover side forms an angle of greater than 180°, the coupling profile is straight, the coupling profile is provided with an outermost recess for accommodating the cover profile and with an inner most recess for accommodating the ends of the parts to be connected, the outermost recess is limited to either side by two outermost legs, the longitudinal edges of the cover profile being provided with respective recesses to fit over the respective outermost legs, the innermost recess being limited to either side by two innermost legs, the ends of the parts to be connected being provided with respective recesses to fit over the respective innermost legs, the outermost legs have a square buckle, the outermost and innermost legs have been arranged perpendicularly to the base surface of the outermost recess and the innermost recess respectively, the wall elements being garden house wall elements.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfensberger (3380738).

Wolfensberger shows all the claimed limitations except for the cover profile and the wall elements are made of wood.

Wolfensberger further discloses the profiles are used to cover cabinets, wall paneling, facing, worktable, mounting frame.

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wolfensberger to show the cover profile and the wall elements are made of wood because having a wood cover profile would provide for an aesthetic appearance at the joint when joining wooden structures together, and having the panel formed of wood would have been an obvious matter of engineering design choice as wood, metal, plastic are well known material for forming panels for different applications.

7. Claims 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfensberger in view of Hugens (4258519).

Wolfensberger shows all the claimed limitations except for the assembly further comprising a pair of lower edge members, the lower edge members can be coupled in pair by means of the coupling profile, the inner most recess of the coupling profile is adapted for accommodating the ends of the lower edge members, the ends of the lower edge members having recesses to fit over the respective innermost legs, the lower edge members are covered by the cover profile.

Hugens shows an assembly having a pair of lower edge members (10c) that can be coupled in pair by means of the coupling profile, the inner most recess of the coupling profile (22) being adapted for accommodating the ends of the lower edge members, the ends of the

lower edge members having recesses to fit over the respective innermost legs, the lower edge members are covered by a cover profile (18).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Wolfensberger to show the assembly further comprising a pair of lower edge members, the lower edge members can be coupled in pair by means of the coupling profile, the inner most recess of the coupling profile is adapted for accommodating the ends of the lower edge members, the ends of the lower edge members having recesses to fit over the respective innermost legs, the lower edge members are covered by the cover profile as taught by Hugen because it would enable the supporting the coupling profile from the bottom, and provide for a tight seal at the bottom of the structure.

Response to Arguments

8. Applicant's arguments filed 8/16/04 have been fully considered but they are not persuasive.

With respect to applicant's reference to figures 1-5 of Wolfensberger reference, examiner respectfully points out that the teachings of figure 6 is applied in the art rejection, not figures 1-5. The argument is thus moot.

With respect to applicant's statements that the structures (74, 50, 51) cannot be the wall elements, cover profile, and coupling profile, examiner respectfully disagrees. The structures meet all the claimed structural limitations and function in a corner environment as applicant's invention, the structures thus teach applicant's wall elements, cover profile, and coupling profile limitations. The argument is thus moot.

With respect to the wall elements (74, 75), examiner respectfully points out that a door of a house certainly is a wall element. The claims do not contain limitations specifically to what the wall elements must be. The argument is thus moot.

With respect to applicant's statement of "inner rail element does not couple to sheet or plate 74", examiner respectfully disagrees. Figure 6 shows the sheet or plate couples to the inner rail element. Webster Dictionary: Couple → to fasten together, to connect for consideration together, to join. The structures taught by Wolfensberger meet the definition of "couple". The argument is thus moot.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art shows different corner joint device.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phi D A whose telephone number is 703-306-9136. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phi Dieu Tran A *PA*

10/29/04

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